

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Arbogast et al. Confirmation No.: 6754

Serial No.: 10/661,032

Filing Date: March 22, 2004

Examiner: To be assigned

Group Art Unit: 1645

For: MULTIVALENT CONSTRUCTS FOR THERAPEUTIC AND  
DIAGNOSTIC APPLICATIONS

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: 6-4-04Signature: C. Caggiano  
Carrie L. CaggianoREQUEST AND/OR PETITION FOR CORRECTION OF FILING RECEIPT  
TO INCLUDE PRIORITY DATA AND CORRECTED FILING DATE

Sir:

Applicants respectfully request and petition that the *Filing Receipt* (copy enclosed with changes noted therein) for this application be corrected as follows:

- (1) The filing date of the application is listed as March 22, 2004, the date of applicants' submission of replacement Figures 1 through 40R. Applicants respectfully submit that the application is entitled to the original filing date of September 11, 2003, because the replacement Figures were

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made in response to a *Notice to File Missing Parts*, and further because the replacement Figures contained no new matter.

The application as filed on September 11, 2003 contained Figures 1 through 34 and 36 through 40R. The *Notice to File Missing Parts* mailed on January 20, 2004 indicated that Figures 20 and 32 were objected to based on informal printing requirements, and that Figure 35 was missing.

In response, applicants submitted a *Response to Notice to File Missing Parts* on March 22, 2004, re-submitting Figures 1 through 40R, identical in all respects, except that Figures 20 and 32 were reprinted to meet the informal printing requirements, and Figure 35 was provided. As explained in the *Response to Notice to File Missing Parts* at page 1 and the accompanying *Preliminary Amendment* at page 4, the inclusion of Figure 35 did not constitute new matter because it was the same as Figure 34 in the parent application, U.S. Serial No. 10/379,287 which was properly incorporated by reference in the present application.

For at least the above reasons, applicants believe that the present application is entitled to its original filing date of September 11, 2003, and therefore respectfully request and petition correction of the filing date on the *Filing Receipt*.

(2) The Domestic Priority data should reflect that the present application claims priority as a continuation-in-part of U.S. Application No. 10/379,287 filed March 3, 2003, which claims the benefit of U.S. Provisional Application No. 60/440,201 filed January 15, 2003 and U.S. Provisional Application No. 60/360,821 filed March 1, 2002. The claim to the filing dates of these parent applications was made in both the *Declaration and Power of Attorney* and the original application as filed. Additionally, a *Second Preliminary Amendment* is being filed concurrently, in which the corresponding priority claim has been clarified. A copy of this *Second Preliminary Amendment* is enclosed herewith. Therefore, applicants respectfully request and petition that the Filing Receipt be corrected to reflect this claim for priority.

Accordingly, please issue a corrected filing receipt and update the PTO records to reflect the corrections as indicated in red ink on the revised copy of the Filing Receipt enclosed herewith.

In accordance with 37 C.F.R. §1.17(h), a fee of \$130.00 is believed to be due for the filing of this Request and/or Petition. A check in that amount is enclosed herewith. The Director is hereby authorized to charge all additional required fees and credit any overpayments to Deposit Account No. 50-0540.

Dated: June 4, 2004

Respectfully submitted,

By: Rachel J. Lin Reg. No.  
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Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/661,032	03/22/2004	1645	3110	57637/1185	59	112	5

09/11/2003

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KRAMER LEVIN NAFTALIS & FRANKEL LLP  
 INTELLECTUAL PROPERTY DEPARTMENT  
 919 THIRD AVENUE  
 NEW YORK, NY 10022



CONFIRMATION NO. 6754

UPDATED FILING RECEIPT



\*OC000000012525658\*

Date Mailed: 05/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/440,201 01/15/2003  
 is a continuation-in-part of 10/379,287 03/03/2003

Foreign Applications  
 which claims benefit of 60/440,201 01/15/2003  
 and which claims benefit of 60/360,821 03/01/2002

If Required, Foreign Filing License Granted: 01/20/2004

**Projected Publication Date:** 08/12/2004

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Multivalent constructs for therapeutic and diagnostic applications

**Preliminary Class**

530

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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Date:	6-4-04
Signature:	<i>C Caggiano</i> Carrie L. Caggiano

**SECOND PRELIMINARY AMENDMENT**

Sir:

Before issuance of an Office Action, please amend the specification as indicated below.

**Amendments to the Specification** begin on page 2 of this paper.

**Remarks** begin on page 3 of this paper.

## **IN THE SPECIFICATION**

On page 1, under the heading "Related Applications," please delete the paragraph at lines 6-9 and insert therefor the following paragraph:

This application is a continuation in part of U.S. Application No. 10/379,287 filed March 3, 2003, which claims the benefit of U.S. Provisional Application Serial No. 60/440,201 filed January 15, 2003 and U.S. Provisional Application Serial No. 60/360,821 filed March 1, 2002, all of which are incorporated by reference herein in their entirety.

## REMARKS

The specification has been amended to correctly identify the present application as a continuation in part application of U.S. Application No. 10/379,287 filed March 3, 2003, which claims the benefit of U.S. Provisional Application Serial No. 60/440,201 filed January 15, 2003 and U.S. Provisional Application Serial No. 60/360,821 filed March 1, 2002, all of which are incorporated by reference herein in their entirety.

Applicants have previously claimed benefit to these aforementioned applications in the original application as filed (*i.e.*, in the Specification, at page 1, lines 6-9), as well as in the *Declaration and Power of Attorney*. To better clarify this claim for priority, applicants thus file the present *Second Preliminary Amendment* to more clearly define that the present application is a continuation-in-part application.

No new matter has been added. No fee is believed to be due for the filing of this *Second Preliminary Amendment*. Please charge any required fees or credit any overpayment to Deposit Account No. 50-0540.

Dated: June 4, 2004

Respectfully submitted,

By: Rachel J. Lin Reg. No. 51,098

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